

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
PERRICAUDET, et al.

Examiner: BOESEN, Agnieska

Art Unit: 1648

Application No.: **10/018,273**

Filed: **August 7, 2002**

Title: **RECOMBINANT ADENOVIRUSES
ENCODING THE SPECIFIC IODINE
TRANSPORTER (NIS)**

RESPONSE TO OFFICE COMMUNICATION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated March 22, 2006, for which the time to respond has been extended five (5) months to September 22, 2006 by the accompanying petition and payment of the appropriate fee, Applicants elect the species below and followed with Remarks on page 2.

I. Applicants elect species "human iodine transporter NIS from claims 4 and 5.

II. Applicants elect species "promoter derived from regulatory sequence of the elastase I from claim 10. The Examiner incorrectly stated "claim 9" in the Office Action.

III. Applicants elect species "adenovirus of human type Ad2 or Ad5" from claim 13. The Examiner incorrectly set forth "claim 11" in the Office Action.

IV. Applicants elect species "viral promoter is CMV" from claim 19. The Examiner incorrectly set forth "claim 16" in the Office Action which was previously canceled.

V. Applicants elect species "deletion of all or part of E1" but the Examiner omitted the claims that required this election of species. Applicants deduce from the second paragraph on page 4 of the Office Action that Examiner meant to set forth claims 11, 22, 24, 26, 28 and 31 for this election.